

REMARKS

Claims 37-44 are pending. The Final Action dated December 8, 2003 in this Application has been carefully considered and the above amendments and the following remarks are presented in a sincere attempt to place this Application into allowance. Claim 37 has been amended in this Response. Reconsideration and allowance are respectfully requested in light of the foregoing amendments and the following remarks.

Claims 37-44 stand rejected under 35 U.S.C. §102(a) in view of U.S. Patent Application No. 2003/0072331 A1 by Jou (“Jou”). Insofar as they may be applied against the claims as amended, these rejections are overcome.

Regarding Claim 37, Jou was recited as assertedly fully disclosing the following: (1) the mobile unit initializing on a first carrier frequency for at least the purpose of traffic management for multi-carrier networks; and (2) the mobile unit tuning to a paging channel of a second carrier frequency in response to a message received on a sync channel of the first carrier frequency for at least the purpose of traffic management for multi-carrier networks.

Rejected independent Claim 37 as now amended more particularly recites one of the distinguishing characteristics of the present invention, namely, “*the mobile unit...wherein the mobile unit is at least configured to operate on one frequency of the plurality of frequencies at any given time, and wherein the mobile unit is at least configured to be able to operate on a plurality of frequencies.*” (Emphasis added.) Support for this Amendment can be found, among other places, on page 9, line 22, to page 10, line 24 of the original Application.

Jou does not teach, suggest, or disclose the mobile unit utilizing a single carrier frequency but having the capability to utilize multiple. Jou discloses a mobile unit utilizing three carrier frequencies simultaneously. Specifically, in paragraph 0027, Jou states that “the mobile station

tunes to each possible grouping of three adjacent channels.” However, the technology forwarded by Jou is not in use. The present invention of Claim 37, though, pertains to currently used in telecommunications networks where mobile units utilize a single channel at any given time. However, there can be two or more distinct channels that the mobile station can tune to if necessary. Therefore, the present invention of Claim 37 provides multi-carrier traffic management with current technology, whereas Jou does not.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach or suggest the unique combination now recited in amended Claim 37. Applicants therefore submit that amended Claim 37 clearly and precisely distinguishes over the cited reference in a patentable sense, and is therefore allowable over this reference and the remaining references of record. Accordingly, Applicants respectfully request that the rejection of amended Claim 37 under 35 U.S.C. § 102(a) in view of Jou be withdrawn and that Claim 37 be allowed.

Claims 38-44 depend on and further limit Claim 37. Hence, for at least the aforementioned reasons, these Claims would be deemed to be in condition for allowance. Hence, Applicants respectfully request that the rejections of the dependent Claims 38-44 under 35 U.S.C. § 102(a) in view of Jou also be withdrawn.

Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 37-44.

Applicants do not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

Should the Examiner deem that any further amendment is desirable to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP


Gregory W. Carr
Reg. No. 31,093

Dated: 2/4/04
CARR LLP
670 Founder's Square
900 Jackson Street
Dallas, Texas 75202
Telephone: (214) 760-3030
Fax: (214) 760-3003